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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,921	12/29/2005	Ronny Kiel	016906-0455	8585
22428 7590 05/08/2009 FOLEY AND LARDNER LLP SUITE 500 3000 K STREET NW WASHINGTON, DC 20007				
EXAMINER				
CIRIC, LJILJANA V				
ART UNIT		PAPER NUMBER		
3744				
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05/08/2009		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/562,921

Applicant(s)

KIEL ET AL.

Examiner

Ljiljana (Lil) V. Ciric

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2009 and 27 April 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4, 6 and 8-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6 and 8-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 February 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 04/27/2009.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1. This Office action is in response to the reply filed on February 6, 2009.
2. Claims 1 through 4, 6, and 8 through 19 remain. Of these, claims 1 through 4, 6, and 8 through 17 have all been amended, either directly or indirectly, whereas claims 18 and 19 are new.

Response to Arguments

3. Applicant's arguments filed on February 6, 2009 with regard to the rejection of the claims as being anticipated by the Dangauthier reference as cited in the previous Office action have been fully considered but they are not persuasive. Applicant argues that the wall 1 and fins 7 of the nozzle or louver of Dangauthier do NOT curve in a direction towards a pivot axis of the nozzle or louver. The examiner respectfully disagrees. Figures 2, 3, and 7 of Dangauthier clearly show a pivot axis or shaft 6 with both the wall 1 and the fins 7 curving around the pivot axis or shaft 6 and with the curvature of the interior surface of both the wall 1 and the fins 7 facing (i.e., curving towards) the pivot axis or shaft 6. Applicant's argument is thus not found to be persuasive and the aforementioned rejection of the claims is hereby sustained.

Applicant's arguments filed on February 6, 2009 with respect to the rejection of the claims as being anticipated by the Lee et al. reference have been considered but are moot in view of the new grounds of rejection presented herein.

Drawings

4. The replacement drawings were received on February 6, 2009. These drawings are hereby approved.

Specification

5. Receipt and entry of the replacement abstract is hereby acknowledged.

Claim Objections

6. Claims 16 and 17 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Each of claims 16 and 17 appears to depend from base claim 1, either directly or indirectly. However, base claim 1 is drawn to the subcombination of a louver, whereas claims 16 and 17 depending therefrom appear to be drawn to the combination of a vehicular air conditioner including a louver and are thus broader than, and not narrower than, base claim 1 from which each depends.

7. Claims 1 through 4, 6, and 8 through 15, 18, and 19 are objected to because of the following informalities, for example: “and” [claim 1, line 3] should be deleted from the end of the line to improve grammatical correctness and readability; “plurality of” should be inserted immediately preceding “regions” [claim 1, line 6] for improved consistency; and, “has” [claim 9, line 2] should be replaced with “have” for improved grammatical correctness and readability. Appropriate correction is required.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1 through 4, 6, and 8 through 19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative, written in a run-on fashion and indefinite, failing to conform with current U.S. practice.

With regard to base claim 1 as amended, for example, whether the limitation “another at least one region” is intended to refer back to one of the previously recited plurality of regions (other than the previously recited at least one of the regions configured as a drum louver) OR to a totally distinct at least one region, thus rendering indefinite the metes and bounds of protection sought by claim 1 and all claims

depending therefrom. Dependent claim 19 recites "the another one at least one region" and is similarly rendered indefinite thereby.

For example, there is also insufficient antecedent basis in the claims for the limitations: "the pivot axis" [claim 6, line 2; claim 9, line 3; claim 18, line 2]—note that a pivot axis of the louver is NOT previously positively recited in either claim 6 or in claim 1 from which claim 6 depends; and "end faces" [claim 13, line 2].

With regard to claim 16 as amended, it is not clear whether the limitation "a heating or air-conditioning device" as recited in line 3 of the body of the claim does or does not refer to the same heating or air-conditioning device recited by "A heating or air-conditioning device" recited in the preamble of the claim, thus rendering indefinite the metes and bounds of protection sought by claim 16 and by claim 17 depending therefrom.

With regard to claim 17 as amended, it is not clear whether the limitation "the heating or air conditioning device" appearing in line 2 of the claim refers to the heating or air conditioning device recited in the preamble of the claim or to the heating or air conditioning device recited in line 3 of claim 16 from which claim 17 depends, thus further rendering indefinite the metes and bounds of protection sought by the claims.

Additionally, the limitations "wherein the heating or air conditioning device comprises a heat exchanger, heating body, evaporator, filter, temperature mixing louver, mixing chamber, one or more flow ducts, *or* one or more control louvers for distributing the air to the outlet ducts" is still not clear as amended. For example, does the heating or air conditioning device comprise either a combination including heat exchanger, heating body, evaporator, filter, temperature mixing louver, mixing chamber, and one or more flow ducts or just one or more control louvers? Or alternately, does the heating or air conditioning device comprise any one of the listed elements in the alternative?

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10. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. As best can be understood in view of the indefiniteness of the claims, claims 1 through 4, 6, and 8 through 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Austin Rover Group Limited (made of record via IDS).

Austin Rover Group Limited discloses a unitary vehicular air conditioning louver or valve member 1 made by plastic molding [see page 2, lines 66-73] essentially as claimed, including, for example: partitions subdividing the louver 1 into a plurality of regions which are directly adjacent to one another as shown in Figure 5; a pivot axis 2 about which the louver 1 is rotatable; and, a concave curved bridge 4.

The reference thus reads on the claims.

12. Alternately and as best can be understood in view of the indefiniteness of the claims, claims 1 through 4, 6, and 8 through 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Dangauthier (previously made of record via IDS).

Dangauthier discloses a vehicular air conditioning louver B or Bg and Bd as shown in either Figures 1 through 3 or in Figures 5 and 6 essentially as claimed, including, for example: partitions subdividing the louver into a plurality of regions which are directly adjacent to one another and a pivot axis X about which the louver is rotatable. The embodiments of Figures 5 and 6, for example, have at least one end running obliquely with respect to the pivot axis. Any one of Figures 2, 3, and 7 show that at least one region of the louver formed by either part cylindrical wall 1 or fins 7 curve around/towards (i.e., with a curvature facing/surrounding and thus disposed towards) a pivot axis formed by shaft 6.

The reference thus reads on the claims.

Conclusion

13. Applicant's submission of an information disclosure statement under 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p) on April 27, 2009 prompted the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 609.04(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ljiljana (Lil) V. Ciric whose telephone number is 571-272-4909. The examiner works a

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flexible work schedule but can normally be reached on most days during the work week between the hours of 10:30 a.m. and 6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cheryl J. Tyler can be reached on 571-272-4834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ljiljana (Lil) V. Ciric/

Primary Examiner, Art Unit 3744